

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 292 Session of
1995

INTRODUCED BY STABACK, TIGUE, BELARDI, SERAFINI, HUTCHINSON,
READSHAW, DALEY, TRELLO, MELIO, CHADWICK, COY, LAUGHLIN,
CORRIGAN, ROONEY, HASAY, BLAUM, McCALL, SURRA, MUNDY,
D. R. WRIGHT AND VEON, JANUARY 25, 1995

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JANUARY 25, 1995

AN ACT

1 Authorizing the imposition of temporary countywide burn bans
2 under certain circumstances; and providing penalties for
3 violations.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Authorization.

7 (a) General rule.--Subject to the prerequisites of
8 subsection (b), the governing body of any county of the second
9 class through eighth class, including home rule counties, shall
10 have the power and may, by resolution, provide for the
11 imposition of a temporary countywide burn ban on open fires. The
12 resolution shall state what conditions will warrant a temporary
13 countywide burn ban, the procedures used to notify residents of
14 the ban, the procedures used to enforce the ban and the
15 procedures used to remove the ban. Each resolution shall require
16 a minimum notice of 48 hours prior to the imposition of a
17 temporary countywide burn ban.

1 (b) Prerequisites.--Prior to adopting any countywide burn
2 ban on open fires under subsection (a), the governing body of
3 the county shall have received a written recommendation from the
4 district forester who has received or solicited verbal requests
5 from at least ten fire chiefs or 50% of the fire chiefs in a
6 county, whichever is less, from various sections of the county
7 recommending and requesting the imposition of a temporary
8 countywide burn ban on open fires.

9 (c) Duration.--Any burn ban imposed under this section shall
10 remain in effect for no more than 30 days. The county
11 commissioners, upon the recommendation of the district forester,
12 may extend the ban for up to an additional 30 days.

13 Section 2. Construction.

14 Any burn ban imposed under section 1 shall supersede any
15 municipal ordinance to the contrary.

16 Section 3. Enforcement.

17 (a) Enforcing officials.--Any sworn police officer when
18 available, including the Pennsylvania State Police, shall be
19 responsible for enforcing the provisions of this act.

20 (b) Limitation.--Whenever a violation of this act occurs in
21 a city, borough, incorporated town or township which has in
22 effect an ordinance prohibiting open burning, the police officer
23 may cite the violation under either the municipal ordinance or
24 the county resolution. Under no circumstances shall any person
25 be cited for violations of both the county resolution and the
26 municipal ordinance for the same violation.

27 Section 4. Penalty.

28 A person who violates this act commits a summary offense and
29 shall, upon conviction, be sentenced to pay a fine of not more
30 than \$100 for the first offense, \$200 for the second offense and

- 1 \$300 for the third offense.
- 2 Section 5. Effective date.
- 3 This act shall take effect in 60 days.